

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

DOUGLAS ISAACSON,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

No. 3:21-cv-00057-ARS

**DECLARATION OF RAYMOND C. SILVERMAN IN SUPPORT OF PLAINTIFF'S
MOTION TO STAY**

I, Raymond C. Silverman, hereby declare as follows:

1. I am over 18 and counsel of record for the above-captioned Plaintiff.
2. In addition to the Plaintiff in this matter, my firm currently represents ten (10) plaintiffs with cases pending in other federal district courts and twenty-eight (28) plaintiffs with cases pending in New Jersey state court, all of whom are asserting similar products liability claims related to Tassigna.
3. There are currently 19 cases pending in 12 different federal districts and over 160 cases pending in New Jersey state court. The cases pending in New Jersey have been consolidated into a Multicounty Litigation ("MCL") in Bergen County. *See ¶ 5, infra*. In all of these cases, the plaintiffs allege that Tassigna caused accelerated and severe atherosclerosis (narrowing of the arteries) that has caused them severe vascular injuries, including peripheral vascular disease, coronary artery disease, and cerebral vascular disease.

4. On April 14, 2021, a motion to transfer was filed under 28 U.S.C. § 1407 with the Judicial Panel on Multidistrict Litigation (“JPML”), seeking to transfer all 19 federal cases, including this case, to the Southern District of Illinois for the purposes of pretrial coordination and consolidation. A copy of that motion and supporting brief is attached hereto as Exhibit A. On May 6, 2021, Plaintiff filed an interested party response in support of the motion to transfer actions for coordinated pretrial proceedings. A copy of that response and supporting brief is attached hereto as Exhibit B. Briefing on this motion is complete and a hearing date has been set for July 29, 2021. Based on prior precedent, Plaintiff anticipates a ruling from the JPML will issue in early August, less than 60 days from today.

5. On January 19, 2021, an application was filed by my firm with the New Jersey Supreme Court for transfer and consolidation of all Tassigna cases pending in New Jersey state courts. On May 28, 2021, the New Jersey Supreme Court published its order transferring and consolidating all the cases pending in New Jersey to Bergen County before Superior Court Judge Rachelle Harz. A copy of the notice and order is attached hereto as Exhibit C. The initial case management conference is set for July 8, 2021.

6. A global issue that requires immediate attention across all pending Tassigna cases is Novartis’s outstanding production of its corporate documents. Counsel for all Tassigna plaintiffs and Novartis have been negotiating Novartis’s production for over one year and—despite their best efforts—have been unable to reach agreement on a number of issues, including the identity and number of custodians whose files will be searched, the search terms to be employed for electronic files, and the non-custodial sources from which production should be made. Novartis has also made clear its intention to move forward with case-specific discovery in cases filed before federal courts and, in fact, has already served deposition notices for Plaintiffs in multiple cases.

7. Due to the global discovery issues and Novartis's clear intention to continue moving forward with case-specific discovery, my firm intends to file motions to stay in our other 10 federal cases as well. I have discussed the issue with counsel for the other clients who have Tassigna cases pending in federal courts and have been informed they too have filed—or intend on filing—similar motions. If these motions to stay are not granted, Plaintiffs will be forced to file motions to compel before each federal court in which a motion to stay was denied. Counsel for the other federal Tassigna plaintiffs will have to do the same, which will likely lead to inconsistent rulings by multiple courts on nearly identical motions.

I swear under penalty of perjury that the foregoing is true and correct.

Executed on June 22, 2021 in Port Washington, New York.

/s/ Raymond C. Silverman
Raymond C. Silverman

CERTIFICATE OF SERVICE

I certify that on June 22, 2021 a copy of the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Raymond C. Silverman
Raymond C. Silverman